

REMARKS

The Office Action dated September 8, 2003 has been carefully reviewed. Claims 1-7 are pending in this patent application. By this amendment, claims 8-22 have been added. Reconsideration of this application, as amended, is respectfully requested.

Amendment to Title

The title has been amended in accord with Examiner's suggestion.

35 U.S.C. § 102 Rejection (Ormond)

Claims 1, 2, and 5 were rejected under 35 U.S.C. § 102 as being anticipated by Ormond (U.S. Patent No. 4,125,168). Reconsideration of this rejection is respectfully requested.

Discussion Re: Patentability of Claim 1

Applicants' Invention

Among other benefits, Applicant's scale provides for flexibility in manufacturing, such as manufacturing point of sale (POS) terminals. As discussed in the "Background of the Invention" of Applicant's patent application (see page 2, lines 1-6), the wells containing scanning apparatus and bag wells in different models of POS terminals can be quite different in size. This fact requires manufacturers to stock a variety of scales in order to have scales that fit

into the variously sized terminals. This is a significant financial and stock keeping problem for manufacturers. Applicant's invention addresses this problem and in fact overcomes it.

Claim 1

Among other limitations, claim 1 recites the following:

the [elongate support] members being structurally connected solely via a surface plate adapted to rest on the [elongate] support members.

(Emphasis added.)

In Ormond, the rectangular members 13, 14 are not structurally connected *solely* via the load plate 11. Rather, the base plate 12 also structurally connects the rectangular members 13, 14. (See Ormond at Fig. 2.) It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since Ormond does not disclose each and every element of Applicant's claim 1, Ormond does not anticipate Applicant's claim 1.

Discussion Re: Patentability of Claim 2 and 5

Each of claims 2 and 5 depends directly from claim 1. As a result, each of claims 2 and 5 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 1.

35 U.S.C. § 102 Rejection (Bradley)

Claims 1, 2, and 5 were rejected under 35 U.S.C. § 102 as being anticipated by Bradley (U.S. Patent No. 4,880,069). Reconsideration of this rejection is respectfully requested.

Discussion Re: Patentability of Claim 1

Claim 1

As pointed out above, claim 1 recites the following:

the [elongate support] members being structurally connected solely via a surface plate adapted to rest on the [elongate] support members.

(Emphasis added.)

As shown in Bradley, the weight sensing members 16 are not structurally connected *solely* via the load receiving the deck 11. Rather, the load receiving member or deck 11 is rigidly connected to a pair of weight-sensing members 16, *which, in turn, are rigidly affixed to a generally rectangular-shaped base 17.*

(See Bradley at column 2, lines 42-45; and Figure 3.) It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since Bradley does not disclose each and every element of Applicant's claim 1, Bradley does not anticipate Applicant's claim 1.

Discussion Re: Patentability of Claim 2 and 5

Each of claims 2 and 5 depends directly from claim 1. As a result, each of claims 2 and 5 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 1.

35 U.S.C. § 102 Rejection (Svetal)

Claims 1, 2, 4, and 5 were rejected under 35 U.S.C. § 102 as being anticipated by Svetal et al. (U.S. Patent No. 5,834,708). Reconsideration of this rejection is respectfully requested.

Discussion Re: Patentability of Claim 1

Claim 1

Again, claim 1 recites the following:

the [elongate support] members being structurally connected solely via a surface plate adapted to rest on the [elongate] support members.

(Emphasis added.)

As can be seen in Figure 9 of Svetal, the spider legs 460, 462 are not structurally connected *solely* via the weight platter 406. Rather, spider legs 460, 462 are mounted on the load cells 404, 405, respectively, which in turn *are affixed to the housing portion 424*. It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since Svetal does not disclose each and every element of Applicant's claim 1, Svetal does not anticipate Applicant's claim 1.

Discussion Re: Patentability of Claim 2, 4, and 5

Each of claims 2, 4, and 5 depends directly from claim 1. As a result, each of claims 2, 4, and 5 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 1.

35 U.S.C. § 103 Rejection

Claims 3, 6, and 7 were rejected under 35 U.S.C. § 103 as being unpatentable over Svetal et al. Reconsideration of this rejection is respectfully requested.

Each of claims 3, 6, and 7 depends directly or indirectly from claim 1. As a result, each of claims 3, 6, and 7 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 1.

Newly Added Claims 8-22

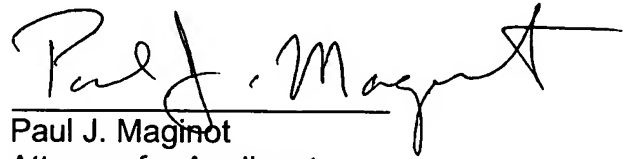
Newly added claims 8-22 recite novel and nonobvious limitations. Thus, each of claims 8-22 is allowable over the cited art.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

MAGINOT, MOORE & BECK

A handwritten signature in black ink, reading "Paul J. Maginot", with a long horizontal flourish extending to the right.

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